

REMARKS

Reconsideration and withdrawal of the examiner's claim objections and rejections under 35 USC § 103 is respectfully requested in view of the following remarks. The applicant would like to thank the examiner for her time and kind cooperation in this matter.

35 USC § 103

The examiner has rejected claims 1-3, 5, 6 and 8 under 35 U.S.C. 103(a) as being unpatentable over Velazquez, et al., (US 6,458,754 B1), in view of Weldes, et al., (US 3,783,008). Applicants respectfully traverse this rejection.

Applicants respectfully assert that a proper prima facie case under § 103(a) is not made out by Valezquez, et al., in view of Weldes, et al., because Valezquez and Weldes fail to disclose either explicitly or inherently a granulate detergent product where the granulates are coated with excapsulated perfume and not merely admixed together.

As discussed earlier, Velazquez, et al., relates to the encapsulation of HIA impact accords (which are simply perfume blends) using starch. The examples use spray drying to obtain a dry product rather than a slurry as is used in the present invention to form the claimed coated granulate. The incorporation of the dry product into the detergent product is discussed in column 10, at lines 45-48, and as is described is simply dry-mixed in. Applicants respectfully assert that such process will not give the claimed coated granulates of the present invention, but will give instead a mixture of granulates and encapsulates as would be apparent to the skilled person.

Weldes discloses a process for preparing coated detergent granules in which solid granules (see column 2, line 59 ff) are introduced into a slurry which has been prepared hot in a crutcher and is then subjected to the high temperatures generally encountered in spray drying. Perfume is not mentioned at all in Weldes, except where it states that perfumes are "not stable to the high temperature of the spray dryer" (col. 1, lines 29-30). The stability problem which Weldes seeks to solve has nothing to do with perfume stability but is specifically concerned with the formation of insolubles from alkali metal silicates and like materials as would be apparent to the skilled person.

Moreover, in order to be motivated to combine these documents, the skilled person would have to ignore the express incompatible teachings of both Velazquez and Weldes. He would have to take a water-soluble encapsulate that has been dried at some cost, and, abandoning the teaching of Velazquez that it should be dry mixed with powder, form a slurry from it. He would then have to ignore the express teaching that it should not be spray dried and use it in the manner described in Weldes for quite different materials.

Moreover, the skilled person would understand that Weldes teaches away from adding perfume to the coated granulates by its disclosure that perfumes are not stable during the drying process which would further lead the skilled person away from the combination the examiner proposes.

The examiner has rejected claims 4 and 7 under 35 U.S.C. 103(a) as being unpatentable over Velazquez, et al., (US 6,458,754 B1), and Weldes, et al., (US 3,783,008), as applied to claim 1 above, and further in view of Walley, et al., (US 5,066,419). Applicants respectfully traverse this rejection.

Applicants respectfully submit that a proper prima facie case under § 103(a) has not been made out for claims 4 and 7 for the reasons discussed above since claims 4 and 7 depend from claim 1.

As stated previously, Walley, et al., relates to encapsulated perfumes which are formed in a slurry (See Walley, ex. 1). At column 10, line 35ff it is explained how this slurry is used – either being ‘admixed and dried with other components of the granular detergent formulations’ or ‘washed and separated and dried if desired’. In example II (see 11/59ff) the perfume particles are actually formed in separate granules which are mixed in with the detergent granules – there is no teaching of coating the detergent granules with a layer containing encapsulates. In example IV the particles are just mixed in (it is not clear whether they are dried first) – and in example VIII they are ‘dry blended’. Walley therefore does not disclose either the coated particles or the spraying process of the present invention as claimed as would be apparent to the skilled person.

The examiner has rejected claims 9-15 under 35 U.S.C. 103(a) as being unpatentable over Velazquez, et al., (US 6,458,754 B1), in view of Weldes, et al., (US 3,783,008), and Wally, et al. (US 5,066,419). Applicants respectfully traverse this rejection.

As stated previously, Independent claim 9 is directed to a process of making a granulate detergent product where the granulates are coated with an encapsulated perfume. Applicants respectfully submit that a proper prima facie case under § 103(a) has not been made out for the reasons set forth above for independent claim 1 and its dependent claims especially in light of the incompatibility of the combination of Velazquez and Weldes and the express teaching away from the use of perfume in the inventive coating process.

CONCLUSION

In light of the above remarks, applicants submit that the claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,



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